

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JUAN MOLINA-ABARCA, et. al.)
)
Defendants.)
_____)

NO. CR09-5452RJB

ORDER TO CONTINUE PRE-TRIAL
MOTIONS DUE DATE AND
TRIAL DATE

Before this Court is a Motion to Continue Trial (Dkt. 363), the Stipulated Response to the Motion (Dkt. 367), Defendant Molina's opposition (Dkt. 371), and the Government's Reply (Dkt. 378). The court is familiar with all parts of the file herein. The court deems the motion to be filed on behalf of all defendants, except those that opt out, pursuant to the Procedural and Scheduling Order filed herein (Dkt. 176).

The Court finds, after a consideration of all relevant information and the circumstances of this case that the ends of justice would best be served by the granting of this request for continuance. The ends of justice outweigh the best interests of the public and the Defendant in having the matter brought to trial sooner.

For all the reasons presented in the files and records herein, the Court finds that the Motion to Continue should be GRANTED. The current date for the parties to file pre-trial motions is VACATED. The trial date, scheduled for February 1, 2010, is VACATED. The date by which parties shall file any pre-trial motions is hereby rescheduled to **January 11, 2010**. The Court hereby sets a status conference for the same date, **January 11, 2010**. An evidentiary

1 hearing for all pre-trial motions is set for **February 1, 2010**. Trial is rescheduled to **April 5,**
2 **2010.**

3 Any and all period of delay resulting from the granting of this continuance, from the date
4 of the filing of the request on December 21, 2009, until the date of the rescheduled trial, shall be
5 excludable time pursuant to Title 18, United States Code, Section 3161(h)(1)(F) and (h)(8)(A),
6 and the Court makes the following findings:

7 a. That the failure to grant such a continuance in this case would be likely to
8 result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(i);

9 b. That it is in Defendants' interest to know all of the potential charges, and
10 have the opportunity to negotiate settlements on all of those charges;

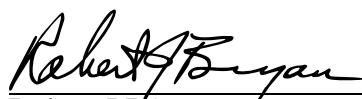
11 c. That the failure to grant such a continuance in this case would deny counsel
12 for the Defendant and the United States the reasonable time necessary for effective preparation,
13 taking into account the exercise of due diligence, because of the existence of a significant amount
14 of discovery and counsel's commitments to other clients. 18 U.S.C. § 3161(h)(8)(B)(iv);

15 d. That because of the complexity of the case, ongoing investigations by
16 different agencies, and the nature of the charges, it is unreasonable to expect adequate preparation
17 for pretrial proceedings and for the trial itself within the time limits established by Title 18, United
18 States Code, Section 3161(h)(8)(B)(ii).

19 e. In his opposition to the Motion to continue (Dkt. 363), Defendant
20 Camanera requests a severance. That request appears to be an afterthought rather than a serious
21 motion, and it is unsupported by the record. In any event, the request is denied without
22 prejudice.

23 IT IS SO ORDERED.

24 DATED this 4th day of January, 2010.

25
26 
27 Robert J Bryan
28 United States District Judge